

REMARKS

Claims 1 to 3 and 5 to 20 are pending in this application. Claims 1, 2, 6, 7, 9, 10, 13, 14 and 20 are amended herein, while claim 4 is canceled.

The Objection to the Drawings

The Office Action states, in paragraph 1, that the control device (27) of claims 6 and 20 must be shown in the drawings, or the feature cancelled from the claims. However, attention is drawn to the fact that the control device is schematically shown in Figs. 3 and 7 and is identified by number 27. A corresponding amendment is made to the specification to identify the control device as item 27. It is respectfully submitted that no new matter is being introduced. Reconsideration and withdrawal of the objection to the drawings is respectfully requested.

The Rejection under 35 U.S.C. §112, First and Second Paragraphs

Claims 6 and 20 are rejected under 35 U.S.C. §112, first paragraph, in paragraph 3 of the Office Action. The Office Action states that the structure of control device (27) is not understood. As stated in the specification (Paragraph [0009] in the printed publication), the control device 27 is provided to steer the crane in a desired driving direction and defines a sequence of turning motions of the superstructure on one hand and the truck on the other hand. The functions of the control device 27 are explicitly stated in the specification. One skilled in the art would realize that all motorized equipment includes controls for driver to operate and various types of control devices are known and commercially available. Accordingly, it is respectfully submitted that there is adequate support in the specification for the claims. Reconsideration and withdrawal of the rejection are respectfully requested.

The claims have also been amended to eliminate the objections under 35, U.S.C. §112, second paragraph, set forth in paragraphs 5.a-f. of the Office Action. Additionally, another copy of Form PTO-1449 accompanying the first Information Disclosure Statement filed with the

application papers is enclosed. It is respectfully requested that this art be made of record as having been timely submitted to the Patent and Trademark Office.

The Rejections based on Prior Art

1. Claims 1, 3-6, 9-14, 16, 18 and 19 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,608,756 ("Guinot") in paragraph 8 of the Office Action.

Claim 1 is amended herein to recite, *inter alia*, that "...the supporting device (3) is arranged to raise the truck (4) together with the superstructure (2) such that the truck (4) can be turned while said tracklaying gear (21) is lifted off the ground."

Guinot does not teach or suggest a supporting device which can raise both the superstructure and the truck off the ground. Rather, Guinot teaches that the stabilizing legs, in an operative position, are in contact with the ground. (Col. 1, lines 70-75). But the purpose of the stabilizing legs is to anchor the earthworking machine when in use. No mention is made of the stabilizing legs lifting a superstructure or truck of the earthwork machinery off the ground. Accordingly, Guinot neither discloses nor suggests the invention as claimed. Reconsideration and withdrawal of the rejection are respectfully requested.

2. Claims 2, 7, 15, 17 and 20 are rejected under 35 U.S.C. §103(a) as being obvious over Guinot in view of GB 2,135,273A ("Moussu"). The Office Action states at paragraph 9:

Guinot shows the basic claimed crane with a dual turnable arrangement, as detailed above. It varies from the claims by not having independent actuation for each rotation. Moussu shows a similar dual rotation turnable with two motors (20 and 21). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the turntable arrangement of the crane of Guinot by providing it with a second motor, for easier and more accurate control of the relatively rotating bodies, as taught by Moussu.

However, Applicant's claim 2 recites "... a first revolving connection (9) is provided between the superstructure (2) and the supporting device (3) and a second revolving connection (24) is provided between the supporting device (3) and the truck..." The outriggers (14) are connected to the supporting device (3) as recited in claim 1.

The Moussu crane does not have such a structure. Rather, the chassis 1 is rotatably connected to the supporting lower turret structure 10, and the upper turret 5 with working equipment 7 is rotatably mounted to the chassis 1, not the supporting lower structure 10. Thus, the structure of the Moussu mobile crane does not correspond to what is recited in Claim 2.

Moreover, in contrast to what is argued in the Office Action, it would not be obvious to combine the dual motors of Moussu with the excavator of Guinot. Use of superstructure and truck which are each independently movable with respect to a support structure is only feasible if both the superstructure and truck are lifted off the ground. The Guinot device does not lift an excavator superstructure and truck off the ground, as explained above. Hence, there is no incentive for one skilled in the art to combine the dual motors of Moussu with the excavator of Guinot, as suggested by the Office Action.

Lastly, the objective of Applicant's invention is to enable the traveling crane to change its orientation while being driven to a site. As explained in the specification (page 1, second paragraph), for large cranes, rubber tires do not offer sufficient lateral stability. It is preferred to use a narrow gauge tracklaying gear to negotiate narrow roads. However, narrow gauge tracks are more difficult to steer. Hence, an advantage is attained by Applicant's claimed invention wherein the supporting device (3) raises both superstructure (2) and truck (4) off the ground and allows them to turn into a new orientation.

The mobile machine of Moussu, on the other hand, is a wheeled vehicle having independently steerable front drive wheels 2 and does not have the steering problem associated with tracklaying gear. Guinot, as stated above, does not lift the truck or superstructure off the ground. Neither Moussu nor Guinot addresses the problem solved by Applicant's invention.

Accordingly, absent the impermissible use of Applicant's own disclosure, there is no motivation provide by either Moussu nor Guinot to combine selected elements of the Moussu crane with the Guinot excavator. In any case, claims 2, 7, 15, 17 and 20 depend directly or indirectly from claim 1, which is submitted to be allowable for the reasons stated above. Accordingly, reconsideration and withdrawal of the rejection of claims 2, 7, 15, 17 and 20 are respectfully requested.

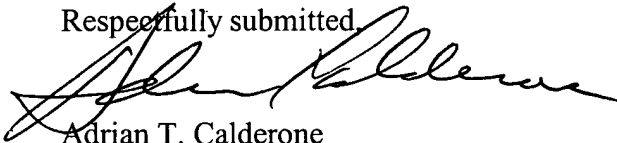
3. Claim 8 is rejected under 35 U.S.C. §103(a) as being obvious over Guinot. Claim 8 is directed to the crane as recited in claim 1 wherein the tracklaying gear has a total width that amounts to less than 50% of the outside length of the tracks. Paragraph 10 of the Office Action considers this feature to be a design matter which would have been within the level of routine skill in the art at the time the invention was made. But as stated above, tracklaying gear with narrow tracks would make the traveling crane difficult to steer because the distance between the tracks is so small that the crane would not be able to be steered by decelerating one track or by driving the tracks in the opposite direction. One skilled in the art would not employ narrow tracks design. It is by virtue of Applicant's invention that a narrow track can be employed. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Appln. No. 10/821,080
Amendment dated December 6, 2005
Reply to the Office Action of July 6, 2005

CONCLUSION

For at least the reasons stated above, all of the pending claims are submitted to be patentable and in condition for allowance, the same being respectfully requested. A petition for an automatic two month extension of time for response under 37 C.F.R. 1.136(a) is enclosed with the requisite fee.

Respectfully submitted,



Adrian T. Calderone
Registration No. 31,746
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP.
333 Earle Ovington Boulevard
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516